

REMARKS

Claims 1-12 are pending in the application before entry of this amendment. Subject matter that was previously withdrawn due to a restriction/election requirement has been rejoined and the entire scope of the claims is under examination.

By way of this Amendment, claims 1 and 2 have been amended, and claim 6 has been canceled. No new matter has been added.

35 USC 112 Rejections Overcome

Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Specifically, the recited phrase “pharmaceutically acceptable derivative” is objected to. The claims have been amended to clarify said derivatives as “pharmaceutically acceptable salts”, with support on pages 6 and 7 of the originally-filed specification.

Double Patenting

Claims 1-12 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-11 of copending Application No. 10/528,613, and claims 9-12 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 4, and 6 of copending Application No. 10/597, 527.

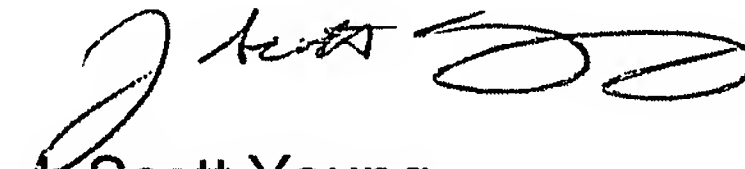
Appropriate terminal disclaimers are being submitted in conjunction with this response which obviate the double patenting rejections.

Conclusion

Applicants respectfully submit that the instant application is in condition for allowance, which action is respectfully requested. The Examiner is invited to contact the undersigned at (919) 483-8160, to discuss this case, if desired.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge any fees or credit any overpayment, particularly including any fees required under 37 CFR Sect 1.16 or 1.17, and any necessary extension of time fees, to deposit Account No. 07-1392.

Respectfully submitted,



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